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U.S. DISTRICT COURT E.D.N.Y.

★ JUL 13 2022 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
Gurcharan Brothers Oil Co., Inc. aka Gurcharan  
and Brothers Oil Company Inc.

Plaintiff,

**PROPOSED RULE 26(f)**  
**SCHEDULING ORDER**  
2:22-CV-003345 (JMW)

-against-

SEI Fuel Services, Inc. and 7-Eleven, Inc.,

Defendants.  
-----X

# **I. DISCOVERY PLAN**

Pursuant to Rule 26(f)(3), the parties have conferred and jointly propose the following Discovery Plan:

A. The Parties **do not** anticipate the need for any changes to the timing, form, or requirement for disclosures under Fed. R. Civ. P. 26(a).

B. The Parties anticipate that discovery may be needed on at least the following subjects: the underlying Master Lease, the Sub-Lease, the Sub-Sub-Lease, Supply Agreement, Non-Renewal Termination and Mututal Termination; assignment and/or transfer of Apache's interest in the Property and the equipment at the Property to Defendants; Asset Purchase Agreement between Apache and Defendants; communication between Defendants and Apache regarding the Property; and Memo of Sublease Agreement between Defendants and Apache signed and recorded in 2019.

C. **Discovery Limitations.** The Parties have conferred and **do not** believe that any changes should be made to the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Civil and Local Rules of the Southern and Eastern Districts of New York.

D. For cases where basis of subject matter jurisdiction is diversity:

- a. Is any party an LLC or partnership? YES. If yes, list all members of the LLC or partnership and their respective states of citizenship: Plaintiff is incorporated in the State of New York and
  - b. Citizenship of each plaintiff: n/a
  - c. Citizenship of each defendant: n/a
- Defendants are both incorporated in the State of Texas

#### E. ESI Discovery

Have counsel discussed the existence of electronically stored information and discussed the location and production of such information, as required by Rule 26? YES x NO

Have the parties entered into an ESI protocol stipulation? YES NO x

Alternatively, if no ESI protocol is necessary because of the limited amount of ESI in the case, please check here: x

*If needed, the parties are referred to the court's website for an ESI protocol template.*

<https://www.nyed.uscourts.gov/content/magistrate-judge-james-m-wicks>

#### F Confidentiality

Do the parties anticipate the need for a confidentiality stipulation and order?

YES x NO

*If needed, the parties are referred to the court's website for a Confidentiality Stipulation and Order template. <https://www.nyed.uscourts.gov/content/magistrate-judge-james-m-wicks>.*

#### MAGISTRATE CONSENT

Pursuant to 28 U.S.C § 636(c), the parties have the right consent to have all proceedings, including trial, before a Magistrate Judge at any time. *If the parties so consent, then the parties must file a Consent to Magistrate Judge form available on the Court's website, <https://img.nyed.uscourts.gov/files/forms/ClerksNoticeofRule73.pdf>.*

II. The parties' agreed-upon proposal for when discovery should be completed is set forth in Section II below.

<u>August 24, 2022</u> :	Exchange of Rule 26(a)(1) disclosures
<u>August 24, 2022</u> :	Service of first interrogatories and document demands
<u>September 28, 2022</u> :	Responses to first interrogatories and document demands
<u>October 6, 2022</u> :	Motions to join new parties or amend the pleadings
<u>n/a</u> :	Inspection of vessel [FOR ADMIRALTY CASES]
<u>October 21, 2022</u>	Meet and confer regarding 30(b)(6) depositions [CORPORATE DEPS]



11/3/22 <sup>10:30 AM</sup>: Status conference to be held via Zoom. The Court will email a Zoom invitation closer to the conference date. [DATE TO BE FILLED IN BY COURT]

November 21, 2022 Completion of all fact depositions

December 6, 2022: Identification of case-in-chief experts and service of Rule 26 disclosures

January 5, 2023: Identification of rebuttal experts and service of Rule 26 disclosures

January 20, 2023: Close of all discovery, including expert discovery

2/9/2023: Final date by which parties shall take the first step of summary judgment motion practice. Depending on the assigned district judge, the first action commencing the practice would be either requesting a pre-motion conference or initiating the exchange of Local Civil Rule 56.1 statements. Parties are required to consult the individual rules of the district judge regarding motion practice. [DATE TO BE FILLED IN BY COURT]

2/27/23 <sup>2:30 PM in person</sup>: Pretrial conference. If the assigned district judge requires one, a joint proposed pretrial order in compliance with that judge's requirements and signed by counsel for each party must be received by the undersigned 5 business days prior to this conference. [DATE TO BE FILLED IN BY COURT]

This scheduling order will be modified by the Court only upon a timely showing of good cause. Any request for modification of this scheduling order must be in writing and filed in accordance with the undersigned's Individual Rules. The parties are reminded that any requests to alter or extend a scheduling order *after* the deadlines have passed will need to establish good cause and in addition, excusable neglect, in accordance with Fed. R. Civ. P. 6(b)(1)(B).

Motions to resolve discovery disputes must be made by letter in accordance with Local Civil Rules 37.1 & 37.3 and in compliance with additional requirements set forth in the undersigned's Individual Rules, except deposition rulings which the Court encourages be sought during the deposition. Motions that do not comply with all requirements will be rejected.

**COUNSEL:**

For Plaintiff(s)

For Defendant(s)

Kenneth Basironi  
Ors Broderick Furrer

SO ORDERED:

/s/ James M. Wicks

James M. Wicks, USMJ

Dated:

7-13-2022  
Central Islip, NY